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AUG 11 2006

## FACSIMILE TRANSMISSION

**Total number of pages, including this cover sheet: 10 pages**

TO:	PHONE #:	FAX #:
Examiner Sumesh Kaushal U.S. Patent and Trademark Office Art Unit 1633	(571) 272-0769	(571) 273-8300

From : Stacy L. Taylor
Email Address : staylor@foley.com
Sender's Direct Dial : 858.847.6720
Date : August 11, 2006
Client/Matter No : 041673-1001
User ID No : 9055

### MESSAGE:

U.S. Patent Application No. 09/954,571

Following is:

- 1) Amendment Transmittal (3 pages);
- 2) Supplemental Amendment and Reply Under 37 CFR 1.116.

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Operator:	Time Sent:	Return Original To: Rachel Caputo
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Cover Page 1 of 1

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PAGE 1/10 \* RCVD AT 8/11/2006 7:01:38 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/12 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):02-26

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AUG 11 2006 Atty. Dkt. No. 041673-1001

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Chien  
 Title: HIGH EFFICIENCY CARDIAC  
GENE TRANSFER  
 Appl. No.: 09/954,571  
 Filing Date: 09/11/2001  
 Examiner: Kaushal, Sumesh  
 Art Unit: 1636  
 Confirmation Number: 7236

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<u>Rachel Caputo</u> (Printed Name)	
<u>Rachel Caputo</u> (Signature)	
8/11/06 (Date of Deposit)	

**AMENDMENT TRANSMITTAL**

Mail Stop After Final  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Supplemental Amendment After Final Rejection in the above-identified application, responsive to the Advisory Action dated July 17, 2006.

- Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- Assertion of Small Entity status is enclosed.
- The fee required for additional claims is calculated below:

Atty. Dkt. No. 041673-1001

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	24	- 86 =	0	x \$50.00 =	\$0.00
Independent Claims:	2	- 3 =	0	x \$200.00 =	\$0.00
First presentation of any Multiple Dependent Claims:		+ \$360.00 =			\$0.00
			CLAIMS FEE TOTAL	=	\$0.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
	EXTENSION FEE TOTAL:	\$0.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$0.00
[ ] Small Entity Fees Apply (subtract ½ of above):		\$0.00
	Extension Fees Previously Paid:	\$0.00
	TOTAL FEE:	\$0.00

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

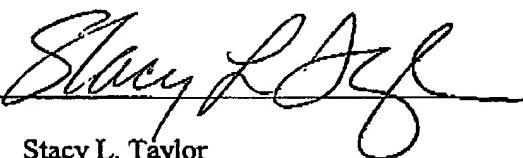
Atty. Dkt. No. 041673-1001

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 8-11-06

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

By 

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

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Atty. Dkt. No. 041673-1001

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<u>RACHEL Caputo</u> (Printed Name)	
<u>Rachel Caputo</u> (Signature)	
8/11/06 (Date of Deposit)	

**SUPPLEMENTAL AMENDMENT AND REPLY UNDER 37 CFR 1.116**

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Advisory Action dated July 17, 2006, concerning the above-referenced patent application. The amendments seek to place the claims in condition for allowance in accord with the comments made in the Advisory Action or, alternatively, to place the claims in better condition for appeal.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments begin on page 2 of this document.**

Please amend the application as follows: